CWP No.678 of 2007

12.9. 2007 Present : Mr.Ashok Thakur, counsel for the petitioner.
Mr.M.S.Chandel, A.G. with Mr.A.Burathoki, Dy.A.G.
for respondents No.1 to 3.

This petition is directed against the transfer of respondent No.4 as Anganwari worker from Village Chhachhar to village Bavi. The State had invited applications for filling up the post of Anganwari worker at village Bavi. The applicant had applied for the said post. In the meantime, the respondent No.4 who was also working as Anganwari worker applied to the Director, Social Justice & Empowerment for her transfer to village Bavi on the ground that she was married to Shri Ram Lal at Village Bavi.

On the last date of hearing we had directed the Director, Social Justice & Empowerment to file an affidavit in respect of the marital status of respondent No.4 at the time when she was appointed as Anganwari Worker at Chhachhar and also the reasons why she was transferred to village Bavi. An affidavit has been filed which clearly shows that respondent No.4 was appointed as Anganwari Worker at Anganwari centre Chhachhar on 21.1.1989. At that time she was unmarried. She subsequently married Ram Lal in the year 1994 and the factum of their marriage was entered in the family register on 16.4.1994. There was no Anganwari Centre at Village Bavi at the time of their marriage. This Centre came into existence only in the year 2006. As soon as this Centre was set up the respondent No.4 applied for her transfer in terms of Clause 4 of part-II of the Scheme which reads as follows:

"4.Transfer/Adjustment of the Anganwadi Workers/Helpers:

a) Under ICDS programme there is no provision of transfer of Anganwadi Workers/Helpers as these are honorary workers. However, in the case of marriage of an Anganwadi Worker or Helper, if at the place of her marriage, vacancy of an Anganwadi Workers or Helper exists she would be transferred or adjusted in that Anganwadi Centre.

b) Request for adjustment/transfer can be made to the Child Development Project Officer on plain papers with certificate of marriage.

c)Child Development Project Officer will be the competent authority to order transfer/adjustments of Anganwadi Workers/ Helpers within the Project and outside project but within the District, the District Programme officer will be the competent authority to do so. Outside district transfers/adjustments will be done with the approval of Director on the recommendation of the Distt. Programme Officers of the both distts."

A perusal of the aforesaid clause clearly indicates that normally Anganwari Workers/helpers are not to be transferred but in case of marriage of such an Anganwari worker or helper, she can be posted to the place where she has been married. The respondents have acted in accordance with the aforesaid provisions.

We find no illegality in the transfer order passed by the respondent State. The petition is dismissed.

(Deepak Gupta),
Judge

Sept. 12, 2007 **(V.K. Ahuja)**
PV **Judge.**